

AMENDED IN ASSEMBLY JANUARY 15, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 414

Introduced by Assembly Member Fox

February 15, 2013

An act to ~~amend~~ *add* Section 4326 of ~~to~~ the Family Code, relating to spousal support.

LEGISLATIVE COUNSEL'S DIGEST

AB 414, as amended, Fox. Spousal support: modifications.

Existing law, until January 1, 2014, ~~provides~~ *provided* that in a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support constitutes a change of circumstances that may be the basis for a request for modification of spousal support, except as specified. Existing law ~~requires, until January 1, 2014, required~~ that a motion to modify spousal support based on that change of circumstances be filed within 6 months of the termination of the child support order.

This bill would ~~extend the operation of these provisions indefinitely reenact these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4326 is added to the Family Code, to*
2 *read:*

3 4326. (a) *Except as provided in subdivision (d), in a*
4 *proceeding in which a spousal support order exists or in which*
5 *the court has retained jurisdiction over a spousal support order,*
6 *if a companion child support order is in effect, the termination of*
7 *child support pursuant to subdivision (a) of Section 3901*
8 *constitutes a change of circumstances that may be the basis for a*
9 *request by either party for modification of spousal support.*

10 (b) *A motion to modify spousal support based on the change of*
11 *circumstances described in subdivision (a) shall be filed by either*
12 *party no later than six months from the date the child support*
13 *order terminates.*

14 (c) *If a motion to modify a spousal support order pursuant to*
15 *subdivision (a) is filed, either party may request the appointment*
16 *of a vocational training counselor pursuant to Section 4331.*

17 (d) *Notwithstanding subdivision (a), termination of the child*
18 *support order does not constitute a change of circumstances under*
19 *subdivision (a) in any of the following circumstances:*

20 (1) *The child and spousal support orders are the result of a*
21 *marital settlement agreement or judgment and the marital*
22 *settlement agreement or judgment contains a provision regarding*
23 *what is to occur when the child support order terminates.*

24 (2) *The child and spousal support orders are the result of a*
25 *marital settlement agreement or judgment, which provides that*
26 *the spousal support order is nonmodifiable or that spousal support*
27 *is waived and the court's jurisdiction over spousal support has*
28 *been terminated.*

29 (3) *The court's jurisdiction over spousal support was previously*
30 *terminated.*

31 ~~SECTION 1. Section 4326 of the Family Code is amended to~~
32 ~~read:~~

33 ~~4326. (a) Except as provided in subdivision (d), in a proceeding~~
34 ~~in which a spousal support order exists or in which the court has~~
35 ~~retained jurisdiction over a spousal support order, if a companion~~
36 ~~child support order is in effect, the termination of child support~~
37 ~~pursuant to subdivision (a) of Section 3901 constitutes a change~~

1 of circumstances that may be the basis for a request by either party
2 for modification of spousal support.

3 (b) A motion to modify spousal support based on the change of
4 circumstances described in subdivision (a) shall be filed by either
5 party no later than six months from the date the child support order
6 terminates.

7 (c) If a motion to modify a spousal support order pursuant to
8 subdivision (a) is filed, either party may request the appointment
9 of a vocational training counselor pursuant to Section 4331.

10 (d) Notwithstanding subdivision (a), termination of the child
11 support order does not constitute a change of circumstances under
12 subdivision (a) in any of the following circumstances:

13 (1) The child and spousal support orders are the result of a
14 marital settlement agreement or judgment and the marital
15 settlement agreement or judgment contains a provision regarding
16 what is to occur when the child support order terminates.

17 (2) The child and spousal support orders are the result of a
18 marital settlement agreement or judgment, which provides that the
19 spousal support order is nonmodifiable or that spousal support is
20 waived and the court's jurisdiction over spousal support has been
21 terminated.

22 (3) The court's jurisdiction over spousal support was previously
23 terminated.